

03-96-CD
COMMONWEALTH OF Penna. vs TIMOTHY MAHUTE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA,

Plaintiff

vs.

TIMOTHY MAHUTE,

Defendant

No. 03-96-CD

**APPEAL FROM SUSPENSION
OF DRIVER'S LICENSE**

Filed on behalf of:
DEFENDANT

Counsel of record for this
party:

Jeffrey S. DuBois, Esq.
Supreme Court No. 62074
Hanak, Guido and Taladay
498 Jeffers St.
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

JAN 23 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA

vs.

TIMOTHY MAHUTE,
Defendant

No. _____

**APPEAL FROM SUSPENSION OF
DRIVER'S LICENSE**

AND NOW, comes your Petitioner, TIMOTHY MAHUTE, by his attorneys, HANAK, GUIDO & TALADAY, and petitions your Honorable Court as follows:

1. The Petitioner, TIMOTHY MAHUTE, is an adult individual, who currently resides at R.D. #1, Box 269, Junitata Avenue, Houtzdale, Clearfield County, Pennsylvania, 16651.

2. The Respondent is the Commonwealth of Pennsylvania, Department of Transportation, whose address is Office of Chief Counsel, Third Floor, Riverfront Office, Harrisburg, Pennsylvania, 17104.

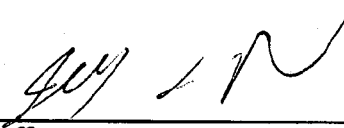
3. By Notice sent to the Petitioner on December 24, 2002, the Petitioner was advised that his driver's license privileges had been suspended by the Department of Transportation. Such revocation was based on a guilty verdict of resulting from exceeding the maximum speed limit. The Notice of suspension is attached hereto as Exhibit "A".

4. Petitioner appeals this proposed suspension as he contests the aforementioned speeding tickets.

5. Consequently, if said tickets are eliminated or reduced, likewise said suspension would be dismissed.

6. Therefore, Petitioner requests an appeal of the proposed suspension by the Commonwealth of Pennsylvania.

WHEREFORE, Petitioner prays your Honorable Court to order the suspension imposed by the Commonwealth of Pennsylvania, Department of Transportation, stayed and of no further effect in such manner that the Petitioner may continue to enjoy his driving privileges, until a full hearing is held on this matter.

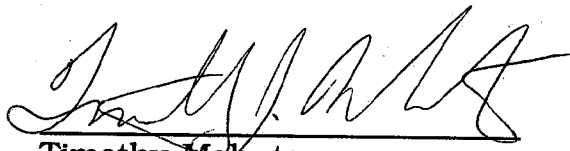


Jeffrey S. DuBois
Attorney for Petitioner

VERIFICATION

I, TIMOTHY MAHUTE, hereby verify that the statements contained in the foregoing Petition are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


Timothy Mahute

Date: 1-21-03

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA,

vs.

TIMOTHY MAHUTE,
Defendant

No. 03-96CD

ORDER

AND NOW, this ____ day of _____, 2003, upon Petition presented to this Court, hearing on the Petition is hereby ordered to take place on the ____ day of _____, 2003, in Courtroom No. _____, Clearfield County Courthouse, Clearfield, Pennsylvania.

A copy of the Petition and Order must be served by certified mail to the Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania, 17104, said Order and Petition to act as a supersedeas until further Order of Court.

BY THE COURT:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
DECEMBER 24, 2002

TIMOTHY MAHUTE
R R 1 BOX 269
JUNITATA AV
HOUTZDALE PA 16851

023519283298539 001
12/17/2002
23742175
07/22/1975

Dear Motorist:

As a result of your conviction on 12/16/2002 of violating Section 3362 of the Vehicle Code, EXCEEDING MAXIMUM SPEED on 10/26/2002, your privilege to drive a commercial motor vehicle is being disqualified for a period of 60 DAY(S) as mandated by Section 1611G of the Vehicle Code.

The effective date of disqualification is 01/28/2003, 12:01 a.m.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

Although the law mandates that your driving privilege is under suspension even if you do not surrender your license, Credit will not begin until all current driver's license product(s), the DL16LC Form, or a letter acknowledging your sanction is received in this Bureau.

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

Please see the enclosed application for restoration fee information.

EXHIBIT "A"

023519283298539

While your commercial driving privilege is disqualified, the Vehicle Code permits a driver to obtain a noncommercial Class C or M license, if the driver possesses the motorcycle qualification, to drive noncommercial motor vehicles. If you wish to obtain this license, please complete the enclosed application as instructed and return it to the Department.

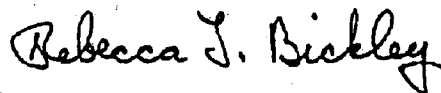
Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (DECEMBER 24, 2002) of this notice. You must still send in your license before the effective date of disqualification unless you appear in person before a Judge and receive an order permitting you to continue to drive. PLEASE NOTE that this Civil Appeal is in addition to any appeal you have to file from the criminal conviction.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/TO:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

INFORMATION (7:00 AM TO 8:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-391-6191

FILED

Arg Dubois

of 10:21 AM
JAN 23 2003

Ad. 85.00

1 CC C/A

William A. Shaw
Prothonotary 2CC Arg Dubois

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS.

: NO. 03-96-CD

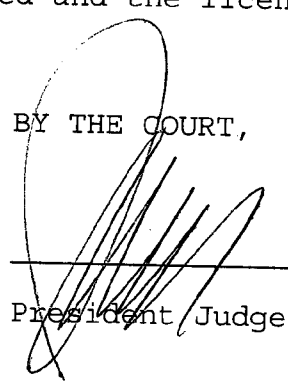
TIMOTHY MAHUTE

: License Suspension Appeal

O R D E R

NOW, this 10th day of December, 2003, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; following argument and upon consideration thereof, it is the ORDER of this Court that said appeal be and is hereby dismissed and the license suspension affirmed.

BY THE COURT,



President Judge

FILED

JAN 02 2004

William A. Shaw
Prothonotary

Julius
Kulhan
Mr. Q. R. Tappan
J. 1651

11:54 PM

JAN 02 2004

William A. Shaw
Prothonotary